

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVIN PEARLSTEIN, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff,

v.

BLACKBERRY LIMITED (formerly known as:
RESEARCH IN MOTION LIMITED),
THORSTEN HEINS and BRIAN BIDULKA,

Defendants.

x

Civil Action No. 1:13-cv-07060-TPG

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BENYAMIN KOHANIM, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff(s),

v.

BLACKBERRY LIMITED (formerly known as:
RESEARCH IN MOTION LIMITED),
THORSTEN HEINS and BRIAN BIDULKA,

Defendants.

x

Civil Action No. 1:13-cv-07132-TPG

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VU TRAN, Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

v.

BLACKBERRY LIMITED (formerly known as:
RESEARCH IN MOTION LIMITED),
THORSTEN HEINS and BRIAN BIDULKA,

Defendants.

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Civil Action No. 1:13-cv-07972-TPG

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**RESPONSE OF BLACKBERRY LIMITED INVESTOR GROUP TO COMPETING
LEAD PLAINTIFF MOTIONS**

Lead Plaintiff movant, the Blackberry Limited Investor Group (“BLIG”), respectfully submits the following memorandum in response to the competing lead plaintiff motions.

First, while it appears that there may be discrepancies in the trading prices for Lead Plaintiff movants Todd Cox and Mary Dinzik (“Cox/Dinzik”), it is unclear if there is a valid explanation for those quoted prices, or that those discrepancies materially change the size of their actual losses. If it does not materially change the size of their claimed losses, Cox/Dinzik would still have the largest interest in the relief sought in the litigation among the competing movants and are, therefore, the presumptive Lead Plaintiff. If, however, their claimed losses are reduced below those of BLIG by virtue of the corrected information, the members of BLIG, the movant with the second largest financial interest (by far) in the relief sought from among the Lead Plaintiff movants, are next in line to be appointed Lead Plaintiff, collectively and/or individually, and should therefore be appointed Lead Plaintiff. *See In re Initial Pub. Offering Secs. Litig.*, 214 F.R.D. 117, 120 (S.D.N.Y. 2002) (“the appropriate lead plaintiff would be the next ‘most adequate’ plaintiff in accordance with the above criteria”).

Second, BLIG disagrees with the competing movants’ arguments regarding BLIG’s qualifications to serve as Lead Plaintiff. Small cohesive groups like BLIG have routinely been appointed as lead plaintiff in securities class actions. For example, as Judge Brieant explained in appointing a group with no pre-litigation relationship, “the plain language of the PSLRA expressly contemplates the appointment of more than one lead plaintiff.” *In re Oxford Health Plans, Inc. Sec. Litig.*, 182 F.R.D. 42, 44-46 (S.D.N.Y. 1998); *Marsch v. Feng*, 12 Civ. 9456 (JSR), 2013 U.S. Dist. LEXIS 89853 (S.D.N.Y. June 12, 2013); *Porzio v. Overseas Shipholding Group*, 12 Civ. 7948, 2013 U.S. Dist. LEXIS 14463 (S.D.N.Y. Feb. 1, 2013); *Fox v. Camelot*

Info. Sys., 12 Civ. 86(PGG), 2012 U.S. Dist. LEXIS 89486 (S.D.N.Y. June 6, 2012); *Schulman v. Lumenis, Ltd.*, 02-1989, 2003 U.S. Dist. LEXIS 10348, at *21-*22 (S.D.N.Y. June 18, 2003); *Weltz v. Lee*, 199 F.R.D. 129, 133 (S.D.N.Y. 2001); *In re American Bank Note Holographics, Inc. Sec. Litig.*, 93 F. Supp. 2d 424, 436 (S.D.N.Y. 2000); *see also* BLIG Opening Br. at 7-8 (Dkt. No. 9).

Thus, if for any reason the Court determines that Cox/Dinzik are not the presumptive Lead Plaintiff, BLIG respectfully requests that the Court: (1) appoint BLIG to serve as Lead Plaintiff; (2) approve its selection of Brower Piven as Lead Counsel; and (3) grant such other and further relief as the Court may deem just and proper.

Dated: December 20, 2013

Respectfully submitted,

BROWER PIVEN

A Professional Corporation

/s/ *Brian C. Kerr*

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Counsel for the BlackBerry Limited Investor Group

CERTIFICATE OF SERVICE

I hereby certify that the Response of Blackberry Limited Investor Group to Competing Lead Plaintiff Motions was filed through the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on December 20, 2013.

/s/ *Brian C. Kerr*

Brian C. Kerr